

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHELLE LEMON,

Plaintiff,

vs.

Case No. 16-

HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY,

Defendant,

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GREG LIEPSHUTZ (P37573)  
Attorney for Plaintiff  
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**PLAINTIFF'S COMPLAINT**

NOW COMES Plaintiff, MICHELLE LEMON, by her attorneys, GREG M. LIEPSHUTZ and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, states as follows:

1. At all times relevant hereto, Plaintiff, MICHELLE LEMON, is a resident of the City of Plymouth, County of Wayne, and State of Michigan.



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2. At all times relevant hereto, Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times relevant hereto, Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, MICHELLE LEMON, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, to provide Plaintiff, MICHELLE LEMON, with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, MICHELLE LEMON, suffers from a regional pain syndrome. As a result, Plaintiff's conditions have made it impossible for her to work.

7. Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY has wrongfully denied Plaintiff disability benefits.



8. Defendant's denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's termination of Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, MICHELLE LEMON, has exhausted all appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, MICHELLE LEMON, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and resume payment of Long-Term Disability benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action  
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to him under the terms of the plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of disability benefits, Plaintiff, MICHELLE LEMON, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

**WHEREFORE**, Plaintiff, MICHELLE LEMON, prays for Judgment in her favor and against the Defendant, HARTFORD LIFE AND ACCIDENT



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INSURANCE COMPANY, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ GREG M. LIEPSHUTZ (P37573)

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Dated: July 20, 2016



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